

October 30, 2023

City of Bangor  
Planning Board Department  
Attn: Reese Perkins, Chair  
73 Harlow Street  
Bangor, ME 04401

***Re: Team Properties, LLC Re-Submitted Application for a Land Development Permit for Major Subdivision and Conditional Use Permit for an Attached Residential Use***

Dear Chair Perkins and Members of the Planning Board:

Team Properties re-submits its application for a land development permit and conditional use approval for 60 residential units in 30 duplexes on its 12 acre parcel off Lancaster Avenue (“Project”).

**I. Project History:**

On June 8, 2022, Team Properties applied to the City of Bangor Planning Division for a land development permit to begin the Project, indicating that it was a major subdivision. On July 20, 2022, the Planning Division published notice of public hearing on the application for the Project, which was set for August 2, 2022. The Planning Board held a total of four public hearings regarding the application on August 2, August 16, September 6, and September 20, 2022. At each of these meetings, the Planning Board discussed the application and asked representatives of Team Properties about the Project. At each meeting, members of the public also asked questions and made comments. The Planning Board also visited the site of the Project on September 6, 2022. Ultimately, the Planning Board voted to approve the Project on September 27, 2022, and a formal decision letter was released approving the land development permit, a conditional use permit, and subdivision approval.

In October of 2022, a small group of neighbors asked for judicial review of the City’s approvals. Approximately a year later, on October 10, 2023, the court remanded the matter back to the Planning Board with the following instructions:

- Spell out that the application is complete;
- Ensure there is evidence that all fees are paid;
- Classify and evaluate the Project as a major subdivision rather than a minor subdivision, and make clear, written factual findings for all relevant land development and subdivision criteria; and
- Clarify that the Project qualifies as a conditional use as an “attached residential use”, and then evaluate using all relevant criteria.

In addition, the court elaborated on certain issues raised on the appeal “to guide the Board in its future deliberations.” First, the court concluded there was no legal error with the Board’s interpretation of building bulks as it pertains to its analysis under the conditional use standards. Specifically, the court found the record contained evidence the Board discussed the Project’s conformity of existing ratio of land area to building area, as well as conformity to height. Second, the court said that although it can infer the Board determined the Project would conform to the general physical development pattern of the immediate area as to architectural style, building bulk and extent, and intensity of site use, the Board must make express findings, in writing.

To facilitate the Board’s review on remand, Team Properties was asked by the City Planning Division to re-submit its entire application for review. In complying with this request, Team Properties does not waive the right to raise any issues previously advanced.<sup>1</sup>

## **II. Project Overview:**

The Project will be located in the Low-Density Residential (LDR) District, and requires permitting as a conditional use under Bangor’s Land Development Code. The Project will consist of 60 residential units in 30 duplexes, on a 12.13-acre parcel. The buildings themselves will be two-story homes with pitched roofs, horizontal siding, asphalt shingles and metal roofs, typical of most residential developments. The surrounding area does not have a predominant architectural style, and contains a mix of one- and two-story buildings, including some duplexes.

The intensity of use and density of the Project in terms of the ratio of building to land area will be comparable to that of the surrounding neighborhood. Vehicular access will be by two entrances onto Lancaster Avenue and East Broadway, respectively. Notably, the Project will also include nine acres of beautiful, open green space for community members to enjoy. The individual units will be sold to buyers with a homeowners association holding title to the common areas, managing the development, and enforcing association rules.

This Project provides an exceptional and rare opportunity to inject much needed, new, efficient affordable housing into the City of Bangor’s housing stock. Coupled with acres of curated, open space for the community to use, this Project will create a new, vibrant and active community that the City will continue to benefit from in the years to come.

## **III. Conclusion:**

At bottom, the court expressed no concern that the Project should not or could not be permitted off Lancaster Avenue. The court did not find the record contained insufficient information for

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<sup>1</sup> Indeed, Maine Rule of Civil Procedure Rule 80B(m), provides that when a court remands a matter for further action, the court’s decision is not a final decision and “all issues raised on the Superior Court’s review...shall be preserved.”

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the Board to make its findings. Instead, it found the Board needed to be more thorough in expressing, in writing, its findings and conclusions. It is really as simple as that.

With respect to timing, we ask the Planning Board to march through the process as quickly and deliberately as possible. The City interpreted the court's order as a stay, which means the previously approved project is on hold, other than implementing environmentally required erosion protection measures.

As a result, the longer the Board takes to review this Project, the higher the costs will be for incoming homeowners. Moreover, it would be patently unfair to the applicant for the Board to take several weeks to review this application when the reason for the remand is due to Board's lack findings and conclusions. We ask that the Board schedule special meetings as necessary to complete its work no more than 60 days after the Court's October 10<sup>th</sup> ruling. Sixty days is a very reasonable period within which to accomplish the work.

Sincerely,

*/s/ Timothy A. Pease*

Timothy A. Pease, Esq.  
TAP/rdl